

United States District Court
for
Middle District of Tennessee
Report on Offender Under Supervision

Name of Offender: Peter Ferguson Case Number: 3:15-00042-01
Name of Current Judicial Officer: Honorable William J. Haynes, Jr., Senior U.S. District Judge
Name of Sentencing Judicial Officer: Honorable William T. Lawrence, U.S. District Judge, SD/IN
Date of Original Sentence: November 30, 2009
Original Offense: 18 U.S.C. § 1344(1) Bank Fraud and 18 U.S.C. § 1029(a)(2) Access Device Fraud (two counts), and 18 U.S.C. § 1028(a)(1) Aggravated Identity Theft
Original Sentence: 54 months' custody and five years' supervised release
Type of Supervision: Supervised release Date Supervision Commenced: April 16, 2012
Assistant U.S. Attorney: To be determined Defense Attorney: To be determined

The Court orders:

- ☒ No Action Necessary at this Time
☐ Submit a Petition for Summons
☐ Submit a Petition for Warrant
☐ Other

Considered this 24th day of March, 2017,
and made a part of the records in the above case.



U.S. District Judge **CRENSHAW**

I declare under penalty of perjury that the foregoing is true and correct. Respectfully submitted,



Amanda Michele
U.S. Probation Officer

Place Cookeville, TN

Date March 22, 2017

ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition of supervision:

Violation Number

Nature of Noncompliance

1. **The defendant shall pay restitution in the amount of \$32,480.47, at a rate of 10% of his gross monthly income. The defendant shall pay a \$400.00 special assessment.**

Since the last report to the court in July 2016, Mr. Ferguson has only made three payments towards his restitution.

According to the most recent report from the U.S. District Court Clerk's office, his last payment was made on March 3, 2017, in the amount of \$52.00. The remaining outstanding balance is \$25,971.47.

The \$400.00 special assessment was paid on April 8, 2013.

2. **The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.**

Mr. Ferguson has failed to maintain full-time employment. He reports being laid off from his job at Nishida Services in January 2016 and has had difficulty obtaining alternate employment.

3. **The defendant shall provide the probation officer access to any requested financial information.**

Mr. Ferguson has failed to provide access to his credit file, as requested, since November 2016.

When random credit checks were attempted, the probation officer discovered a security freeze on Mr. Ferguson's credit. According to the information received on his credit report, the consumer, Mr. Ferguson, requested a security freeze on his credit file. The date he requested and obtained the security freeze is unknown.

When questioned, Mr. Ferguson initially denied requesting a security freeze. He later informed the probation officer that his wife had the security freeze placed due to a bank card being compromised. The probation officer has directed Mr. Ferguson on multiple occasions, since November 2016, to remove the security freeze. The security freeze was not removed by Mr. Ferguson until March 7, 2017.

4. **The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.**

According to Mr. Ferguson's current credit report, he has opened two lines of credit, without the approval of the probation officer.

August 24, 2016	Kohl's/Capital One	Balance owed \$121.00
September 2, 2016	Credit One Bank	Balance owed \$475.00

5.

The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Mr. Ferguson has been asked on numerous occasions if he has opened any credit cards or additional lines of credit and, each time, he has denied doing so.

As noted in Violation #4, Mr. Ferguson opened new credit accounts in August and September 2016.

Compliance with Supervision Conditions and Prior Interventions:

Peter Ferguson is currently unemployed and lives with his wife and children, in Sparta, Tennessee. Mr. Ferguson began his term of supervised release on April 16, 2012, and his supervision is due to terminate on April 15, 2017. He was supervised in the Southern District of Indiana until he requested to relocate to the Middle District of Tennessee in June 2014. Our office accepted supervision of his case in July 2014 and Mr. Ferguson's jurisdiction was accepted by the Middle District of Tennessee on March 26, 2015.

A report was submitted to the Court on July 27, 2016, reporting Mr. Ferguson's failure to make timely restitution payments as ordered by the Court. No action was ordered on July 28, 2016.

The probation officer has spoken with Mr. Ferguson at length regarding his failure to obtain employment and/or make timely restitution payments as ordered by the Court. He contends he is actively seeking employment and intends to begin making regular payments as soon as he can obtain employment. The probation officer has assisted Mr. Ferguson in his employment search by providing contact names and numbers of employers in the community who hire convicted felons.

Additionally, the Financial Litigation Unit in the U.S. Attorney's office has enrolled Mr. Ferguson in the Treasury Offset Program and will possibly garnish his wages when he begins working. He is scheduled for a debtor's exam the first week of April 2017 to re-assess his financial situation and make arrangements for his future restitution payments, as he terminates from supervision on April 15, 2017.

U.S. Probation Officer Recommendation:

The probation officer is recommending that no additional action be taken by the Court at this time and that Mr. Ferguson remain on supervised release, find full-time employment and begin to make regular payments toward his restitution. The U.S. Attorney's office has been advised of the offender's noncompliance and is in agreement with this recommendation.

Approved: _____



Britton Shelton

Supervisory U.S. Probation Officer